

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ALTERNATIVE CARE SYSTEMS, INC., d/b/a)
ACCESS NURSING SERVICES,)

Plaintiff,)

v.)

ACCESS NURSES, INC.,)

Defendant.)

Civil Action No. 07 CV 10537 (CSH)

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>06/26/08</u>

JOINT DISCOVERY PLAN
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26

Pursuant to the Court's May 22, 2008 Order, counsel for the parties have conferred as required by Rule 26(f) of the Federal Rules of Civil Procedure, and submit this Joint Discovery Plan.

1. Proposed discovery schedule:

The parties have agreed to propose the following discovery schedule:

- | | |
|---|-------------------|
| 1. Deadline for Rule 26(a) Initial Disclosures: | July 1, 2008 |
| 2. Deadline for Service of First Sets of Interrogatories and Document Requests: | July 15, 2008 |
| 3. Deadline to Add Parties: | August 15, 2008 |
| 4. Deadline for Completion of All Fact Discovery: | November 14, 2008 |
| 5. Deadline for Disclosure of Main Expert Reports: | December 12, 2008 |
| 6. Deadline for Disclosure of Rebuttal Expert Reports: | January 9, 2009 |
| 7. Deadline for Completion of All Expert Discovery: | January 30, 2009 |
| 8. Deadline to file Dispositive Motions: | February 20, 2009 |

2. **The subjects on which discovery may be needed:**

The parties expect that discovery will be needed on the parties' rights in their respective trademarks, service marks, and trade names, the likelihood of confusion between the parties' trademarks, service marks, and trade names, and any damage caused to Plaintiff thereby.

3. **Any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced:**

The parties agree that documents required to be served on counsel for the parties may be served electronically where practicable. Confirmation copies of documents served by electronic transmission, and copies of documents produced in discovery, shall be served by overnight courier.

The parties agree that the three days for response times provided by Fed. R. Civ. P. 6(d) should be added where documents requiring responsive pleadings or production are served by electronic transmission.

Electronic service should be made by transmission to all of the following at the e-mail addresses shown below:

Service on counsel for plaintiff:

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Service on counsel for defendant:

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The parties agree to further meet and confer regarding electronic discovery, including the form in which it will be produced and any search terms that may be used. Absent agreement on such matters, the Federal Rules of Civil Procedure concerning electronic discovery, including the provisions of Fed. R. Civ. P. 26 and 34, shall apply.

4. **Any issues about claims of privilege or of protection as trial-preparation materials, including — if the parties agree on a procedure to assert these claims after production — whether to ask the court to include their agreement in an order:**

The parties anticipate submitting an agreed-on protective order to the Court for its consideration and approval.

5. **What changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed:**

The parties agree that each party will be limited to serving two 30(b)(6) notices, with the reserved right to serve additional notices to follow up on topics that arise during discovery.

Dated: June 20, 2008

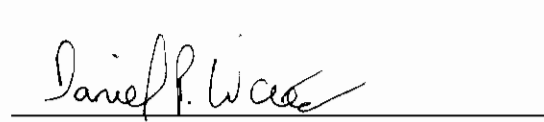
Respectfully submitted,



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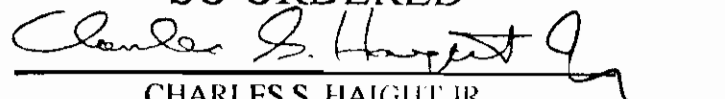


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SO ORDERED


CHARLES S. HAIGHT JR.
SENIOR UNITED STATES DISTRICT JUDGE 6/26/08